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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,337	08/23/2000	Keith Robert Broerman	RCA 89,982	2978

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Joseph S Tripoli
Patent Operations
Thomson Multimedia Licensing Inc
P O Box 5312
Princeton, NJ 08543-5312

EXAMINER

ENG, DAVID Y

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 12/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/644,337

Applicant(s)

BROERMAN, KEITH ROBERT

Examiner

DAVID Y. ENG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3. 6) ☐ Other:

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A new title more aptly descriptive of the nature and gist of the technical disclosure is requested. See field of the invention in the specification.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to disclose how the method steps as recited in the claim combination are able to facilitate communication between different networks in a bi-directional communication system. Although some of the claim languages are found in Figure 3. However, following the flow chart in Figure 3 does not result in communicating data between different networks. There is no explanation in the specification as to how communication between different networks can be accomplished by following the flow chart in Figure 3. The specification does not support the invention claimed.

Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Scope of claims 1-5 is not clear. The independent claim calls for a method for communicating data between different networks using hierarchical layers of

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communication protocols. It is not seen how hierarchical protocol layers as recited facilitate communicating packetized data between different networks. The method or system as recited does not provide any communication between networks using hierarchical layers of communication protocols. Claims 21-23 have similar defects. Following the steps recited in claims 21-23 does not result in communicating data between different networks.

With respect to the last paragraph of independent claim 6, there is no step recited for determining a MAC address. The comparing step does not provide any MAC address. Scope of claims 6-17 is not clear. The preamble calls for a method for processing IP data. There are no method steps directed to process IP data.

Scope of claims 18-20 is not clear. The preamble calls for a method for initiating an Application. There are no method steps directed to initiating an Application. Further with respect to independent claim 18, it is not seen how it is possible to convey the payload data to a second destination while the comparing step indicates that the payload data already reaches the destination.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slemmer (USP 6,377,990).

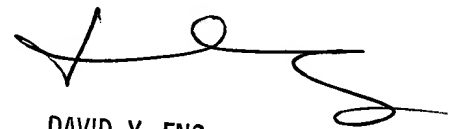
See at least Figure 1 in Slemmer. Slemmer teaches in a bi-directional communication system, a method for communicating packetized (line 56 of column 3) data between different networks (Internet and network 20 in Figure 1) using hierarchical layers of communication protocols (lines 44-46 of column 3), comprising the steps of:

comparing (line 24-35 and 43-50 of column 4) a received IP packet destination address in a first protocol layer with a predetermined IP address to determine if there is an address match; and

redirecting a payload (in bound message) of said received IP packet from an Internet network to a local network in response to said address match by substituting (line 25-28 of column 3 and line 33-43 of column 5) a second protocol layer address for a received second protocol layer address.

Although Slemmer did not explicitly state that the payload is for supporting applications, one of ordinary skill in the art should readily recognize that the workstations of Slemmer are capable of executing applications and the payload could have been used for supporting applications.

With respect to claims 3, 4, 7, 8, 14, 16, 17 and 22, see "modem" in line 22 and 33 of column 1.



DAVID Y. ENG
PRIMARY EXAMINER